

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Randall Sanders,

Civ. File. No. 04-3962 (PAM/RLE)

Plaintiff,

v.

ORDER

United States of America, Warden
W.I. LeBlanc, Executive Assistant
Jack Fox, Lieutenant Jerry Parr,
Counselor Jack Bakker, and
Correctional Officer Karen Berro,

Defendants.

This matter is before the Court on Plaintiff James Randall Sanders's informal request to waive the filing fee required to appeal this action to the Eighth Circuit Court of Appeals.

Sanders commenced this 42 U.S.C. § 1983 action in September 2004. In October 2004, the Court granted Sanders leave to proceed in forma pauperis ("IFP"). Thereafter, Sanders incrementally paid the filing fee. In February 2005, Defendants filed a Motion to Dismiss or in the Alternative for Summary Judgment. In August 2005, Chief Magistrate Judge Raymond L. Erickson recommended that the Motion be granted and that the Complaint be dismissed with prejudice. Sanders objected to the Report and Recommendation. However, this Court overruled the objection, adopted the Report and Recommendation, and dismissed this action with prejudice on September 27, 2005.

On October 14, 2005, Sanders filed a Notice of Appeal. With the Notice, Sanders requested that the Clerk of Court waive the \$225 filing fee for the appeal. The Clerk of Court

sent Sanders two IFP applications: one on November 2, 2005, and another on March 14, 2006. (Docket Nos. 63-64.) Included with both applications was a notice that the appeal could be summarily dismissed unless Sanders either paid the full filing fee or applied for leave to proceed IFP within thirty days. (Id.) Nonetheless, Sanders has submitted neither an IFP application nor information regarding his prison trust account activities during the past six months. Consequently, the Court cannot deem Sanders qualified to proceed IFP. Accordingly, **IT IS HEREBY ORDERED** that Sanders's informal request to proceed IFP (Docket No. 61) is **DENIED**.

Date: April 12, 2006

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge